

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA,) CASE NO. 4:14-CR-023-A
Government,)
VERSUS) FORT WORTH, TEXAS
CHRISTOPHER ROBERT WEAST,) NOVEMBER 14, 2014
Defendant.) 9:54 A.M.

VOLUME 16 OF 16
TRANSCRIPT OF SENTENCING
BEFORE THE HONORABLE JOHN MCBRYDE
UNITED STATES DISTRICT COURT JUDGE

A P P E A R A N C E S :

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P R O C E E D I N G S

November 14, 2014 - 9:54 a.m.

(Defendant Weast present in courtroom)

THE COURT: Okay. I'm now calling for sentencing Number 4:14-CR-023-A. It's United States of America versus Christopher Robert Weast.

Let's see. Ms. Saleem's here for the government, and Mr. Curtis is here for the defendant.

Mr. Weast, state your full name for the record.

THE DEFENDANT: I'm a man, sir.

THE COURT: Pardon?

THE DEFENDANT: I'm a man.

THE COURT: Do you not wish to state your name?

THE DEFENDANT: This Court has not given me any reason to be compelled to give you my name.

THE COURT: Okay. You appeared before me on --

THE DEFENDANT: Can I submit something to the bailiff, sir, for the Court real quick?

THE COURT: Pardon me, Mr. Weast. Let me proceed.

THE DEFENDANT: I'm asking -- I'm asking if I can submit something to the bailiff.

THE COURT: You cannot hand something to somebody right now until I proceed with what I'm doing.

You appeared before me for a jury trial -- let me get the exact date --

1 *THE DEFENDANT:* I'd like to object to this whole
2 thing because there's a mandamus sitting over at the Court of
3 Appeals right now. It's been served to this court. I don't
4 know why we're even here today. From what I understood from
5 the appeals court, the Writ of Mandamus had to be ruled on
6 before this could even take place.

7 *THE COURT:* Mr. Weast, are you going to allow me to
8 proceed?

9 *THE DEFENDANT:* No, sir. Actually, no, I'm not
10 going to allow you to proceed because, like I said, this Court
11 has not given me the appropriate amount of time for the Fifth
12 Circuit Court of Appeals to rule on the Writ of Mandamus,
13 which this Court is completely aware of existing --

14 *THE COURT:* Okay. Why don't -- why don't we take
15 Mr. Weast to the third floor where he can communicate --

16 *THE DEFENDANT:* I want to return this for value.
17 I've accepted it for value, and I want to return it for value.

18 And this is the fucking bullshit this Court has
19 pulled every God damn time.

20 (Defendant Weast removed from courtroom by marshals)

21 *THE COURT:* We're going to take a 15-minute recess
22 and give the marshal service an opportunity to set up whatever
23 they need to set up.

24 Mr. Weast will be on the third floor, and we'll
25 handle it like we did at the trial. He'll be able to see

1 what's going on and hear, and we can communicate with him when
2 we wish to do so, and he'll be able to communicate with
3 us -- well, he'll hear everything that goes on in the
4 courtroom, so he'll -- but he'll be able to communicate with
5 us when we request him to.

6 MR. CURTIS: We already have our computer set up to
7 where he can e-mail me or text me, whatever that's called,
8 Your Honor.

9 THE COURT: Okay. Do you have somebody that can
10 monitor the computer?

11 MR. CURTIS: Yes, Your Honor. We have -- my
12 paralegal is down there on the computer, and Mr. Fleury is
13 going to go down to the third floor to accompany Mr. Weast, so
14 we're ready to go.

15 THE COURT: Okay. In other words, we're going to be
16 set up just like we were during the trial?

17 MR. CURTIS: Yes, sir. Yes, Your Honor.

18 THE COURT: Okay. We'll be back in 15 minutes.

19 COURT SECURITY OFFICER: All rise.

20 (Recess)

21 (Defendant Weast present via video conference)

22 COURT SECURITY OFFICER: All rise.

23 (Judge enters)

24 COURT SECURITY OFFICER: Please be seated.

25 THE COURT: Okay. We're resuming the sentencing

1 hearing in 4:14-CR-023-A, United States of America versus
2 Christopher Robert Weast.

3 And Ms. Saleem's here, and Mr. Curtis is here for
4 the defendant, and the defendant is in the conference room on
5 the third floor with Mr. Fleury, and a video setup is in
6 existence that allows him to see what's going on in the
7 courtroom, and allows us to see him and Mr. Fleury from the
8 courtroom.

9 He can hear -- the defendant can hear what's being
10 said in the courtroom and has the ability to communicate with
11 Mr. Curtis through a computer setup that has been arranged.

12 And I take it the other person in the conference
13 room with Mr. Fleury and the defendant is a paralegal in your
14 office?

15 *MR. CURTIS:* Yes, Your Honor, that's Pat Tovar, the
16 paralegal from the Federal Public Defender's Office, Your
17 Honor.

18 *THE COURT:* And she is the one who will communicate
19 with you, if he wants to communicate with you?

20 *MR. CURTIS:* Yes, Your Honor. She's at the
21 keyboard, and she will communicate whatever the defendant
22 wants to communicate, which, at the moment, the defendant says
23 he's not -- the defendant is not present in the building.

24 *THE COURT:* I'm sorry, what?

25 *MR. CURTIS:* The latest message I've received from

1 the third floor, Your Honor, is the defendant is not present
2 in the building.

3 *THE COURT:* Okay.

4 Okay. Mr. Weast, you appeared before me on -- let's
5 see, what was the date of the trial -- July 28, 2014, for a
6 jury trial, and the jury trial did occur, and on July 29,
7 2014, the jury rendered a plea (sic) of guilty as to each of
8 the counts of the superseding indictment that were tried, and
9 we're here today for sentencing based on the convictions
10 resulting from that jury's verdict.

11 Rule 32(i)(1) of the Rules of Criminal Procedure,
12 Federal Rules of Criminal Procedure, say:

13 At sentencing, the Court must verify that the
14 defendant and the defendant's attorney have read and discussed
15 the presentence report and any addendum to the report.

16 Are you in a position to give me any verification on
17 that subject?

18 *MR. CURTIS:* I'm prepared to go ahead and tell you
19 everything that I think needs to go in the record, and what
20 the Court may want to know as far as my efforts to disclose
21 the presentence report, Your Honor.

22 *THE COURT:* Well, I need to find out -- I take it
23 that -- well, I need to find out what you can tell me on that
24 subject.

25 *MR. CURTIS:* I will, Your Honor.

1 Also, the defendant did ask me to raise with the
2 Court that I believe a mandamus, a motion for mandamus, has
3 been filed with the Fifth Circuit.

4 I haven't been served with that. I'm not aware of
5 the motion, Your Honor, but I do feel obligated to notify the
6 Court that a motion for writ of mandamus has been filed with
7 the Fifth Circuit.

8 *THE COURT:* Okay. That's fine.

9 *MR. CURTIS:* Thank you.

10 Your Honor, I, of course, have received in a timely
11 fashion the presentence report and the presentence report
12 addendum.

13 We did -- my office mailed a copy of the presentence
14 report to Mr. Weast on September 29th, 2014. That mail was
15 returned to my office refused from the Bureau of Prisons.

16 I then went to FCI Fort Worth, physically, on
17 September 30th and tried to meet with Mr. Weast to present
18 him, physically present him, the presentence report and go
19 over it with him. He refused to meet with me on that date,
20 Your Honor.

21 I also intended to talk to him about the October 1st
22 hearing that the Court had set by order to address the
23 presentence report with Mr. Weast.

24 On October 1st, when the Court had a hearing here in
25 the courthouse, I attempted to meet with Mr. Weast and present

1 him a copy of the presentence report, the morning before the
2 hearing, Your Honor, and --

3 *THE COURT:* Did you go to the place where he was
4 confined?

5 *MR. CURTIS:* That was on September 30th, I went to
6 his place of confinement. On October 1st, I met -- tried to
7 meet with him in the marshals' holdover here in the building.

8 *THE COURT:* He was in the building?

9 *MR. CURTIS:* Yes, sir.

10 *THE COURT:* And did he refuse to meet with you?

11 *MR. CURTIS:* Yes, Your Honor, he did. And then I
12 tried, again, to meet with him after the hearing and was
13 unsuccessful.

14 Your Honor, I went -- the -- I mailed my objections,
15 a draft of my objections to the presentence report, to the
16 defendant. Those were returned refused. Of course, I filed
17 objections to the presentence report and sent a copy of those
18 to the defendant. They were returned refused.

19 I've sent a copy of the addendum to the presentence
20 report, the government's pleadings with regard to the
21 presentence report, my response to the addendum to the
22 presentence report, and my motion for a downward variance,
23 Your Honor, to the defendant. Those were all returned
24 refused.

25 I went out yesterday morning at sometime between

1 7:30 and 8:00 to FCI Fort Worth to try to physically present
2 all of the sentencing documents, including the presentence
3 report, and the addendum, and my objections, my motion for a
4 variance, and Mr. Weast did not see me on that day.

5 I prepared a complete copy of all the documents from
6 the presentence report, all of my objections, the motion for
7 downward variance, all of the government's responses with
8 regard to sentencing, and the court orders -- the court order
9 tentatively overruling my objections, in a package this
10 morning, and I tried to present those to Mr. Weast, and he
11 refused to accept them from me this morning, Your Honor.

12 So, I do not know if Mr. Weast has read the
13 presentence report or the addendum, Your Honor, or my
14 objections to it. I know that I -- I don't know what else I
15 can do to try to communicate those and give those documents to
16 him.

17 *THE COURT:* The two times you went to FCI to deliver
18 documents to him and have discussions with him, that was FCI
19 Fort Worth?

20 *MR. CURTIS:* Yes, sir. Yes, sir.

21 *THE COURT:* What did you do to try to talk to him or
22 deliver something to him?

23 *MR. CURTIS:* I specifically went in to where the
24 attorneys meet with their clients. I asked the guards to
25 bring Mr. Weast out to meet with me.

1 I believe on the September 30th time, he came out --
2 and I assume any communications at this point, Your Honor,
3 would be not an attorney/client communication or privileged.
4 I don't think it's intended to be confidential, but he came
5 out and told me I was not his attorney and walked back to his
6 cell.

7 And if I recall correctly, I tried to inform him
8 that I had his presentence report and wanted to discuss his
9 objections, and he said, you're not my attorney, and walked
10 back to his cell.

11 I'd also add, Your Honor, with regard to the
12 presentence report interview, when he came out, I followed him
13 as well as I could back to the cell area of the jail, and told
14 him that it was the time for his presentence report interview,
15 so that he knew that that's what it was. That's what I was
16 there for.

17 And then the second time, yesterday, Your Honor, he
18 didn't come out of his cell to see me, and sent the guard back
19 to tell me he was not -- I was not his attorney, or he didn't
20 have an attorney, I believe, is what was said.

21 *THE COURT:* Okay.

22 *MR. CURTIS:* I think that's everything, Your Honor.
23 I hope I'm not missing something.

24 *THE COURT:* Okay. Well, that -- I cannot verify, as
25 the rule requires, that the defendant and his attorney have

1 read and discussed the presentence report and any addendum to
2 the report.

3 I can verify that a reasonable effort was made to
4 cause the defendant to read the presentence report and the
5 addendum to it, and a reasonable effort was made to -- by the
6 attorney for the defendant to discuss those items with the
7 defendant, and that the defendant, through his own conduct,
8 prevented those things from occurring.

9 I don't know that there's anything else that can be
10 done or stated on that subject.

11 Do you have any suggestion, Ms. Saleem?

12 *MS. SALEEM:* I do not, Your Honor.

13 *THE COURT:* Okay. Do you have any thoughts on that,
14 Mr. Curtis, as to anything else that needs to be done on that
15 subject?

16 *MR. CURTIS:* No, Your Honor. I would hope if I
17 could think of something else, I would go ahead and do it, but
18 I just -- I don't know what else to do, Your Honor.

19 *THE COURT:* Okay. That's fine.

20 Okay. There have been some objections filed on
21 behalf of the defendant -- by the way, I'll add, I assume, but
22 I don't know for a fact, that the probation office sent a copy
23 of the presentence report to the defendant.

24 Is that a fact?

25 *PROBATION:* Your Honor, in cases such as this, the

1 probation officer does not -- or the probation office does not
2 send a copy of the PSR to FCI, when it's a child pornography
3 type case.

4 *THE COURT:* Okay. You rely on the attorney to
5 communicate with him?

6 *PROBATION:* Yes, Your Honor, and the attorneys are
7 always aware of that. We let them know that at the time of
8 the interview.

9 *MR. CURTIS:* And I did check with them, Your Honor,
10 to make sure that that was the procedure they had followed in
11 this case, and I made sure that we sent the presentence report
12 on September 26, Your Honor, to him for that reason. We would
13 have anyway, but I made sure it was done.

14 *THE COURT:* Okay. Well, let's deal with the
15 objections.

16 Do you still want to pursue any of the objections?

17 *MR. CURTIS:* Yes, Your Honor. I don't think it will
18 take me very long.

19 *THE COURT:* I've tentatively concluded that they are
20 without merit, and so advised in an order I signed on
21 November 7.

22 Objection number 1 --

23 *MR. CURTIS:* That's essentially the defendant just
24 maintains his innocence, Your Honor.

25 *THE COURT:* Okay. Well, I'll overrule that

1 objection. The jury's found that he's guilty.

2 Objection number 2 has to do with obstruction of
3 justice, and do you have anything you want to -- do you have
4 any evidence you want to present on any of these objections?

5 MR. CURTIS: No, Your Honor, just argument.

6 THE COURT: Do you have any argument you may want to
7 make on the obstruction of justice objection?

8 MR. CURTIS: Yes, Your Honor, I do have an argument
9 on that.

10 THE COURT: Okay.

11 MR. CURTIS: May I proceed?

12 THE COURT: Yes.

13 MR. CURTIS: Application note 2, I believe the very
14 first sentence, limitation on the applicability of this
15 adjustment, this is application note 2 to 3 -- Section 3C1.1
16 of the guidelines: This provision is not intended to punish
17 the defendant for the exercise of a constitutional right.

18 And, Your Honor, my position is that Mr. Weast is
19 attempting to raise what he believes is a valid defense, and
20 attempting to do it the right way through the process of the
21 court, and punishing him with an obstruction of justice by
22 doing so denies him his constitutional right to have a
23 defense, to due process of law under the Fifth Amendment, his
24 constitutional right to a jury trial, and his constitutional
25 right to self-representation.

1 I think that also, generally, there's a
2 constitutional right to present your defense, to confront
3 witnesses as well, and to actually -- to present witnesses in
4 your defense, and by punishing him for raising it in a way
5 that's different than what we practice and the way that we
6 deal with things, but using the court system in the proper way
7 by filing his motions, I think that's a mistake, Your Honor,
8 and I object to that.

9 I also -- I understand what the government has
10 mentioned, that there were affidavits filed at the state, but
11 I don't believe the affidavits were false. The government's
12 position is that they were false because Mr. Weast said
13 that -- or accused in an internal affairs affidavit, the
14 officer of having CP, or child pornography, trading it,
15 downloading it, and, in fact, that is what -- the officer did
16 have child pornography in his possession. He did download
17 child pornography, according to the government's case, from
18 the computer at that residence in question, and he had it in
19 his possession in his computer when he interrogated the
20 defendant and showed some of the images to the defendant.

21 Now, the problem is I don't think that that violates
22 the law, that you're allowed -- law enforcement officials are
23 allowed to possess those materials in the course of an
24 investigation, but I don't think the statements -- I don't
25 think he made false statements in that internal affairs

1 affidavit.

2 For all of those reasons, Your Honor, I don't
3 believe that a two-level obstruction of justice is
4 appropriate.

5 And do you want me to stop there before I address my
6 next objection, Your Honor?

7 *THE COURT:* Yes.

8 *MR. CURTIS:* Okay. Thank you.

9 *THE COURT:* Well, he's done a lot more than exercise
10 his constitutional rights, but let me hear from you,
11 Ms. Saleem, on the affidavits that were -- the attempts to
12 cause the -- was it a police officer that was -- Watkins, he
13 was a police officer, wasn't he?

14 *MS. SALEEM:* Yes, Your Honor.

15 *THE COURT:* The attempts to cause him to be
16 prosecuted for something, tell me more about that.

17 *MS. SALEEM:* Yes. Your Honor, I believe you heard
18 testimony at trial from Bobbie Weast that she had also
19 submitted a statement or a sworn statement to internal
20 affairs, and I believe we questioned her about her statement
21 in which she said that Officer Watkins was using his computer
22 in his office to distribute child pornography on the internet.

23 Now, we have a copy of the --

24 *THE COURT:* Well, now, that was her doing that. How
25 does that tie to the defendant?

1 *MS. SALEEM:* She -- I would -- I would submit that
2 she was doing it at the defendant's request, and I believe
3 that testimony was also elicited that she and the defendant
4 submitted these sworn statements to internal affairs, which
5 were -- which were false. Because if he's encouraging her to
6 send a false affidavit, then he is suborning the perjury.

7 *THE COURT:* Okay. I think, without even considering
8 that, he has willfully attempted to obstruct and impede the
9 administration of justice with respect to the prosecution of
10 this case in a number of ways.

11 He has filed two counterclaims against the
12 prosecutor in this lawsuit, and that's not the exercise of his
13 constitutional right, and that's the purpose of doing that was
14 to attempt to obstruct or impede the prosecution of this case.

15 He filed two lawsuits against the prosecutor, and he
16 joined, in one of those lawsuits, the judges, and his own
17 attorneys, and Ms. Saleem, the prosecutor.

18 And the other lawsuit against both -- she was the
19 defendant in each of those lawsuits, a defendant, and that
20 wasn't in the exercise of his constitutional rights, but it
21 was an attempt by him to obstruct or impede the administration
22 of justice with respect to the prosecution of this case.

23 He started out filing things while he was
24 represented by an attorney, and I think some of them were
25 stricken with the instruction to him not to do that, that that

1 wasn't appropriate, but that didn't slow him down. I don't
2 know how large the clerk's office file is on this case now,
3 but I suspect it's a tremendous file because he's been filing
4 documents, and some of them very lengthy documents, almost
5 daily, at least several times a week, it appears to me, to
6 burden the court, and it's obvious to me that that's part of
7 his attempt to obstruct and to attempt to obstruct and impede
8 the administration of justice with respect to the prosecution
9 of this case.

10 Of course, that's on top of the things, such as
11 happened this morning, in that he won't allow the proceedings
12 to go forward with him in the courtroom because of his
13 obstructive and interruptive conduct.

14 And again, I'm satisfied that that's a willful
15 attempt on his part to obstruct and impede the administration
16 of justice with respect to the prosecution of this case, so
17 I'll overrule that objection.

18 Okay. What's the next objection?

19 *MR. CURTIS:* Your Honor, I objected to the
20 five-level increase for distribution and exchanging for a
21 thing of value.

22 *THE COURT:* Well, I'm satisfied he's a sophisticated
23 user of computers from the evidence we've received, and that I
24 heard at trial, and also from the information in the
25 presentence report.

1 He was a knowledgeable computer user and understood
2 the purpose of the file-sharing software and how it worked,
3 and so I think the probation officer properly made that
4 five-level enhancement for distribution under the authorities
5 that --

6 *MR. CURTIS:* May I argue that point for just a
7 moment, Your Honor?

8 *THE COURT:* Yes.

9 *MR. CURTIS:* I don't think that his sophistication
10 or knowledge of the use of computers and the use of the
11 peer-to-peer answers -- I think there's no question that
12 understanding that when you use peer-to-peer, you put images
13 in file-shared folders is a -- that's distribution under the
14 case law. That's the two-level increase.

15 But when it comes to bargain for, or exchanging, or
16 trading things of value, I don't think there's any dispute
17 that just having a shared -- you don't have to trade things,
18 or bargain things, or even provide things for others to get in
19 order to download as much as you want through these
20 peer-to-peer programs.

21 And I think the Spriggs case, out of the Eleventh
22 Circuit, has hit the issue on the -- the nail on the head on
23 this issue, and that is, yeah, it's distribution, but it's not
24 trading for a thing of value, and, therefore, it should just
25 be the two-level increase, not the five-level increase that he

1 received, Your Honor.

2 I think that my argument sets that out pretty
3 clearly in my written objection, Your Honor, but that's the
4 heart of -- it's not his sophistication of computers, his
5 knowledge of computers, his understanding of peer-to-peer. I
6 don't think that that gets you there. I don't think that gets
7 to the trading issue, Your Honor.

8 *THE COURT:* What's your position on that,
9 Ms. Saleem? I gather, from your response, that you think that
10 there is a possibility that the two-level increase would be
11 the appropriate increase?

12 *MS. SALEEM:* Well, Your Honor, I certainly believe
13 that, at a minimum, the two-level increase would be
14 appropriate, but I do believe that there is -- by a
15 preponderance of the evidence standard, there is evidence to
16 support that the defendant is a sophisticated computer user.

17 That knowledge, that I believe that Sistrunk and
18 Onken talked about -- well, not Sistrunk -- Onken and Moore,
19 which were two unpublished Fifth Circuit cases talked about,
20 is in the absence of a defendant's statement that, yes, I
21 understood that I was trading with the expectation of
22 receiving something for value, that the Court can look at
23 whether the defendant has knowledge of how a file-sharing
24 system -- file-sharing programs work, and the way that that's
25 inferentially determined is through his knowledge of

1 computers.

2 And there was testimony that not only was he loading
3 file-sharing software on multiple computers, but there was a
4 witness from the family who said that he was a very
5 sophisticated computer user. His mother testified that he was
6 very knowledgeable, not only with computers, but in
7 information or in technology.

8 And then, of course, we also have the fact that he
9 was not only distributing it on multiple occasions, but that
10 he would manually -- he had manually set up the file-sharing
11 program on his computer, which does indicate a level of
12 sophistication and knowledge with respect to file-sharing
13 programs in particular.

14 So, I do believe that under a preponderance of the
15 evidence standard, there is support for a five-level
16 enhancement, but if the Court determined otherwise, we would
17 submit that at least the two should apply.

18 *THE COURT:* Well, I'm inclined to agree with you
19 that there is evidence to support a finding that the -- the
20 findings that would be necessary to cause the five-level
21 increase to be appropriate.

22 *MR. CURTIS:* Your Honor, I --

23 *THE COURT:* Go ahead.

24 *MR. CURTIS:* Your Honor, I think what she just said
25 illustrates my point exactly. In the Onken case, the

1 unpublished Onken case illustrates it exactly. I don't have a
2 problem. I understand why she's saying he has a sophisticated
3 level of computer knowledge and peer-to-peer knowledge. I
4 understand that, and I don't dispute that.

5 That doesn't show a trading though. That's the
6 issue, is it doesn't show a trading or a bartering for
7 anything of value. It only shows you know how peer-to-peer
8 works. Don't have a problem with that.

9 And I think that's the whole problem with the Onken
10 case, and it's the Spriggs case out of the Eleventh Circuit
11 that gets that where the Court realizes, wait a minute, that's
12 not the issue, how sophisticated he is. It's whether did
13 he -- has he been trading things of value, and I don't think
14 we have -- we have had some cases in this court, this Judge's
15 court, the other judges in the Fort Worth Division, their
16 courts, where the -- the evidence shows, they have been on
17 chats and they have been talking about, hey, show me what you
18 got, things like that, okay, and I see where we get there from
19 that.

20 We don't have that in this case, and that's my
21 point, Your Honor. Thank you. I'm sorry to belabor that.

22 *THE COURT:* Well, Ms. Saleem, what is your response
23 to that? What evidence is there of a trading or --

24 *MS. SALEEM:* Well, Your Honor, that's -- that's
25 where I believe that you can infer from the evidence. If a

1 person understands how file-sharing software works, if a
2 person sets up their computer to manually -- well, to make the
3 file-sharing program only operate when he manually sets it up,
4 that's a person who understands how file-sharing software
5 works. No evidence in this case that the defendant had turned
6 off file-sharing software, or the program, so that he would
7 not be sharing. So there is an understanding that if you're
8 using file-sharing programs, then you're using it with the
9 expectation of sharing, so you can receive something in
10 return.

11 *MR. CURTIS:* The sharing is not trading.

12 *THE COURT:* It seems to me that that would be
13 something inherent in the use of the program and knowledge how
14 it works.

15 *MR. CURTIS:* Not the trading, that's the whole
16 point. Yeah, it shows he knows that his pictures are
17 available for others to come and get, but it doesn't -- it
18 doesn't -- and that shows distribution, but it doesn't show
19 trading for things of value.

20 Now, when you get the text or the chats that
21 Ms. Saleem has had in other cases and brought to the Court's
22 attention, as she should, then you're showing this, hey, you
23 know, show me what you got, or I'm not giving you any more
24 until you tell me what you got, things of those nature, things
25 of that nature. We've seen those and we don't have that in

1 this case, and I think it's appropriate to give the two level,
2 not the five level.

3 *THE COURT:* Mr. Curtis, isn't that the very reason
4 for having the file sharing, so that you can make that
5 trading?

6 *MR. CURTIS:* No, not at all. I think that's the
7 whole misunderstanding. It's just -- it's not a trading at
8 all. You can actually download, and people do it with music,
9 people do it with child pornography, people do it with adult
10 pornography.

11 I put that evidence on in the Onken case, and I
12 think it's pretty well understood. No, you can just -- you
13 can specifically -- you don't have to provide that information
14 to anybody or allow anybody to have access to that information
15 for you to get whatever you want, so it's not a trading for a
16 thing of value.

17 *THE COURT:* Well, didn't he have -- wasn't his setup
18 one where people could get information from him?

19 *MR. CURTIS:* He did, which gets you the
20 distribution, but it doesn't get you the trading for a thing
21 of value, because it is of no value. It's like, I don't have
22 to give you anything. I don't have to --

23 *THE COURT:* Oh, I don't think that's a valid
24 argument. I agree with Ms. Saleem, that the evidence in this
25 case establishes the application -- establishes the facts that

1 cause the five-level increase to be appropriate, so I'm going
2 to overrule that objection.

3 MR. CURTIS: Yes, sir.

4 THE COURT: Okay. What is the -- I think everything
5 else is taken care of, Your Honor. I don't need to argue.
6 I'm not waiving them, but I think they're addressed, other
7 than my downward departure request.

8 THE COURT: Let's see. What we just talked about
9 was objection 3?

10 MR. CURTIS: Yes, sir.

11 THE COURT: Let's go through each one of them. If
12 you're not waiving them, let's go ahead and deal with them.

13 MR. CURTIS: That's fine, Your Honor.

14 I don't think I need to make any argument on 4. I
15 stand on what my objection is.

16 THE COURT: Okay. Let me read it.

17 Well, I think those are mentioned in the presentence
18 report because they are things the Court can consider in
19 determining what sentence to impose.

20 Do you disagree with that?

21 MR. CURTIS: Well, I think number 4, Your Honor, has
22 to do with my position that he does not agree that he's the
23 individual who actually did those things.

24 THE COURT: Well, isn't his -- doesn't his -- didn't
25 he make pictures of himself?

1 MR. CURTIS: I'm sorry? On some of them, not all of
2 them, no.

3 THE COURT: Well, I'm satisfied from the evidence
4 that he's the person that made those videos, so I'll overrule
5 that objection.

6 And then objection number 5, I'm not going to give
7 any weight to that in the sentencing because, really, I can't
8 find from the evidence that he did what he's accused of having
9 done. I'm talking about paragraph 62 of the presentence
10 report.

11 MR. CURTIS: Yes, Your Honor.

12 THE COURT: So I'm not going to take that into
13 account in sentencing.

14 Okay. Objection number 6 has to do with failure to
15 identify as a ground or departure.

16 What is it that you --

17 MR. CURTIS: Oh, number 6 is just my -- I have a
18 request for a downward departure and downward variance. I
19 just objected that my grounds aren't in the --

20 THE COURT: And do you have any evidence you want to
21 offer in support of that?

22 MR. CURTIS: No, Your Honor, just argument at the
23 appropriate time. I do have -- the defendant's aunt would
24 like to speak on behalf of the defendant.

25 THE COURT: Okay. Well, let me go forward with the

1 things I need to do first.

2 MR. CURTIS: Yes, sir.

3 THE COURT: There being no further objections to the
4 presentence report, the Court adopts as the fact findings of
5 the Court the facts set forth in the presentence report as
6 modified or supplemented by the addendum and any facts I've
7 found from the bench, and the Court adopts as the conclusions
8 of the Court the conclusions expressed in the presentence
9 report as modified or supplemented by the addendum and any
10 conclusions I've expressed from the bench.

11 The Court concludes that the total offense level is
12 42; that the Criminal History Category is I; that the
13 guideline imprisonment range -- I believe it calculated out to
14 360 months to life, but it -- because of the statutory
15 maximums of 120 months as to Count 1, and 240 months as to
16 Count 2, the guideline range becomes, the total of those
17 maximums, 360 months.

18 The supervised release range is 5 years to life; and
19 the fine range is \$25,000 to \$250,000; and a special
20 assessment of \$200, that is, \$100 per count of conviction, is
21 mandatory.

22 Okay. You can make whatever statement you would
23 like to make on behalf of your client at this time, and
24 include in it whatever statement you want to make on the
25 matter of a possible departure below the bottom of the

1 advisory guideline range.

2 MR. CURTIS: Thank you, Your Honor.

3 Could I go ahead and let the defendant's aunt make a
4 statement?

5 THE COURT: That's -- that's fine. You can.

6 MR. CURTIS: Thank you, Your Honor.

7 MR. CURTIS: And, Your Honor, just for the Court's
8 information, I lost the connection on the laptop. We're
9 trying to get that reestablished right now.

10 THE COURT: Okay.

11 MR. CURTIS: I'm not receiving messages for some
12 reason. I'm sure there are a few for me to pass along.

13 THE COURT: Okay. State your name, and tell me
14 where you live.

15 MS. GLENDA EGGLESTON: My name is Glenda Eggleston.

16 THE COURT: You don't need to tell me your street
17 address, but what city do you live in?

18 MS. GLENDA EGGLESTON: Azle, Texas.

19 THE COURT: Okay. And you can make whatever
20 statement you would like to make.

21 MS. GLENDA EGGLESTON: Yes, sir. Good morning, Your
22 Honor.

23 If it would please the Court, I would like you to
24 know that Chris is the most -- I'm sorry. He's a very
25 happy-go-lucky guy. He's -- I mean, yeah, he's lazy and he

1 doesn't work like he -- most people his age do, but he is the
2 kindest -- he doesn't drink. He doesn't do drugs.

3 He does have a filthy mouth, but he was the victim
4 of sexual abuse when he was a youngster, and he was a victim
5 of physical abuse by his oldest brother, and he was subject to
6 mental abuse by his grandmother, who was bipolar, and she took
7 all her anger on him, and he had to live with that for years.
8 He didn't feel he had anyone to turn to.

9 And I thought we did a pretty good job with him
10 because, as my nephews and nieces go, I thought he was the
11 best of the bunch because he was the most responsible, the
12 most -- I don't want to say intelligent. He is intelligent,
13 but not education-wise. He was, like, common-sense
14 intelligent.

15 And he had a thirst for knowledge, and he wanted to
16 share his knowledge with whoever wanted it. I mean, he loved
17 teaching kids, or even his aunt, how to use different things
18 on the computer. And as far as this file sharing thing goes,
19 I had it on my computer. I didn't even know it until all of
20 this happened, and I had to get someone to take it off, but
21 just because it's there don't mean, you know, that you know
22 about it.

23 But needless to say, when he was sexually abused,
24 the man that did it also did it to four or five other young
25 men, and he got 10 years probation, and Chris had to grow up

1 knowing that the man that did this to him for years basically
2 got away with it. And now here he is, because of a
3 photograph, and y'all are talking about sending him away for
4 life? I don't find much justice in that. Thank you.

5 *THE COURT:* Okay. Thank you.

6 Okay. At this time you can make whatever statement
7 you would like to make, Mr. Curtis.

8 *MR. CURTIS:* Yes, Your Honor.

9 First of all, Mr. Weast does not want me to be here,
10 doesn't want me to be representing him, and he's made that
11 clear. He objects to me representing him, Your Honor, and I
12 understand that, but I know from handling cases like this that
13 this is a case that, given the facts, the number of images,
14 those sorts of things, that this is a case that I feel like a
15 downward variance from these extremely high and draconian
16 guidelines would certainly be considered by, not just you,
17 Your Honor, but I think any Court I've been in front of on a
18 child porn case in federal court.

19 And I know that we sit here today and he's looking
20 at a lot more time than he could have been looking at because
21 he wanted to exercise his right for trial and because he wants
22 to pursue this argument, and this legal theory, and this
23 defense that he believes is just and right and the proper
24 defense in his case, Your Honor.

25 I'm asking the Court to consider not punishing him

1 beyond what he's already received, as far as his loss of
2 acceptance and as far as the increase for obstruction of
3 justice, but also I'm asking the Court to go a step further
4 and consider a downward variance in this case.

5 Again, it's the typical argument. It's the same
6 argument I would make in any case, any child pornography case,
7 and that is that these guidelines, they result in a
8 ridiculously high guideline range on virtually every case that
9 involves a computer. It's just going to be that way.

10 And, of course, virtually every case, as we know
11 nowadays, virtually every case involves the file-sharing
12 programs. It's what they use. You know, it's just what they
13 use to download images.

14 So the bottom line is you just get -- you get an
15 extremely high base offense level. You get the five levels
16 for trading, that I've already made the objection to, and, of
17 course, you get, you know, just increase after increase, two
18 levels for using a computer, and, of course, the age of the
19 minor becomes a factor in it, Your Honor, and all of those
20 thing put together result in an incredibly high guideline
21 range.

22 In this particular case, Mr. Weast, he did have some
23 factors in his background, which I think contribute to where
24 he is today, and what he's been prosecuted for, and are
25 certainly -- above all, they are mitigating factors for

1 sentencing. He was abused as a child, both physically and
2 sexually, and I just -- I don't know how any of us can get
3 over that.

4 I know that so many of us have -- many people have
5 been on the receiving end of that, and it makes it a tough
6 thing to get on with life without having some of the problems
7 that you see in adults once they reach adulthood. Your Honor,
8 that's a factor I would wish the Court would consider. I
9 wouldn't want to go through that. I don't think anybody in
10 this courtroom would want to go through that.

11 Your Honor, the guidelines in this case come out 360
12 to life, which, of course, with a 30-year cap is 360 months.
13 That's 30 years for a man who has never been to prison. Your
14 Honor, that's just -- that's just too high.

15 I think I've made -- I'm not going to rehash all the
16 reasons why I think the guidelines are unreasonable. I've
17 made the argument case after case in this court. I've put
18 that same argument in my objection or in my request for a
19 downward variance, Your Honor.

20 Ms. Saleem has made her response that she has made
21 time and again, Your Honor, and I don't think there's a factor
22 in this case, other than the fact that we're going to trial,
23 and other than the factor that Mr. Weast wants to raise these
24 arguments that he's trying to raise, that justify -- that
25 justify, Your Honor, a sentence of 360 months in any way at

1 all, and I would urge the Court to consider a significant
2 downward variance in this case.

3 Your Honor, also, Mr. Weast does have a right to
4 allocution, and I'm urging the Court to please allow him to do
5 that. This is his last opportunity to be heard. We may not
6 agree with what he has to say, Your Honor, but I think he
7 deserves his opportunity to do it, and I know he feels
8 like -- I know the Court feels like he's been disruptive and
9 interrupted the Court during the proceedings, I understand
10 that, but I think the law gives him this right to have his
11 opportunity to say what he needs to say to you, and I hope
12 you'll give him that chance, Your Honor. Thank you.

13 Also, I did want to point out, his mother and father
14 and his sister are here, and they are here to support him, and
15 I'm going to see if anyone else wants to say anything to you,
16 Your Honor, at this point.

17 *THE COURT:* Well, see if they do before I invite --

18 *MR. CURTIS:* Do you want to speak? Do you want to
19 say anything to the Judge?

20 *MS. MELANIE WEAST:* Yeah.

21 *MR. CURTIS:* Okay. Come on. This is your chance.

22 *THE COURT:* Okay. Identify who you are, and the
23 city you live in.

24 *MS. MELANIE WEAST:* Melanie Weast, and I live in
25 Fort Worth.

1 THE COURT: Okay.

2 MS. MELANIE WEAST: I just want to say that, you
3 know, my brother is not -- I do not believe he did this.
4 Nobody in my family believes he did this.

5 Ms. Saleem is making an argument that, you know,
6 just because he knew that he had file sharing on his computer,
7 and that he manually set it up, that is not is the case
8 because I have looked at the discovery. My brother sent it to
9 me. And the download folder was the standard folder, whenever
10 you download file sharing onto your computer. That's where
11 these pictures were found.

12 THE COURT: Let me interrupt you a minute. We have
13 already dealt with those issues, and I understood you wanted
14 to say something that --

15 MS. MELANIE WEAST: Yes.

16 THE COURT: -- in favor of your brother that would
17 not be something we've already dealt with.

18 MS. MELANIE WEAST: Okay. Well, in favor of my
19 brother, he's not the one -- I don't believe he did this. I
20 believe to sentence him to 360 months is just totally a
21 misjustice considering the fact that people who actually abuse
22 children get less time.

23 And these are draconian sentencings that are done in
24 the federal court for child porn. People who -- who just have
25 an image get more time than people who actually physically

1 abuse kids? I think the government has their priorities out
2 of line. They need to be going after people who actually
3 abuse kids.

4 And I just want to say that I feel like you, sir,
5 have denied my brother any right to a fair trial, and you have
6 just been totally biased in this case.

7 *THE COURT:* Okay. Did you have someone else who
8 wanted to speak?

9 *MR. CURTIS:* No, that's it, Your Honor, except --

10 *MS. MELANIE WEAST:* As usual. Again, you just want
11 to hear what anybody else has to say.

12 *MR. CURTIS:* That's it, Your Honor, except the
13 defendant.

14 (System unmuted)

15 *THE COURT:* Okay. This is directed to Mr. Weast.

16 I take it, Mr. Fleury, y'all have been able to hear
17 what's been going on in the courtroom since we started?

18 I'm now directing this to Mr. Fleury.

19 *MR. FLEURY:* Yes, we have been.

20 *THE COURT:* Have you been able to hear what's going
21 on in the courtroom since --

22 *THE DEFENDANT:* -- Mr. Weast, if you're going to --

23 (System muted)

24 *THE COURT:* Mr. Fleury, I'm talking to you now.

25 Have you been able to hear what has been going on in

1 the courtroom?

2 (System unmuted)

3 *MR. FLEURY:* Yes, Your Honor, we have been able to
4 hear what's been going on in the courtroom.

5 *THE COURT:* Okay. Mr. Weast, you have the right to
6 make any statement or --

7 *THE DEFENDANT:* Again, sir, I want to respectfully
8 ask that you address me by my --

9 (System muted)

10 *THE COURT:* Mr. Weast, you have the right to make
11 any statement or presentation you would like to make on the
12 subject of mitigation, that is, is the things you think the
13 Court should take into account in determining what sentence to
14 impose, or on the subject of sentencing more generally, and at
15 this time I'll invite you to do that.

16 (System unmuted)

17 *THE DEFENDANT:* Okay. Sir, for the record, my name,
18 again, is not Mr. Weast. It's not defendant. I am neither of
19 those two fictional things that you keep referring to.

20 Secondly, I am a man, a natural flesh and blood man,
21 a peaceful American National, on the land, and I can verily
22 say that I do not consent to this alleged court, nor do I
23 consent to any of the goings-on that I have experienced to
24 date, to wit:

25 These proceedings have failed to produce competent

1 evidence of an injured party.

2 These proceedings have failed to produce a single
3 affidavit of verified complaint or the existence of a real
4 complaining party.

5 These proceedings have failed to produce an injured
6 party as plaintiff onto the witness stand for testimony.

7 The information presented lacked competent fact
8 witness under penalty of perjury.

9 The real party of interest is being concealed, not
10 identified.

11 (Unidentified/unintelligible simultaneous speaking
12 in conference room)

13 *THE REPORTER:* Who is that? I can't --

14 *THE DEFENDANT:* I'm getting interrupted in here, so
15 if I don't have a -- if someone trying to say I'm --

16 (System muted)

17 *THE COURT:* I think the sound has gone off.

18 *MR. CURTIS:* Your Honor, somebody is muting the
19 sound down in the third floor room, and this is the
20 defendant's allocution. I don't think that should be done,
21 unless the Court orders that to be done.

22 (System unmuted)

23 *THE DEFENDANT:* I mean, I -- this Court has found
24 multiple ways to violate anything that could be called a
25 right, so what I want to move to here is that I did accept

1 this instrument for value and return it as payment, and this
2 Court has refused to acknowledge the commercial side of this
3 transaction.

4 And you -- you addressed this yourself, back in
5 July, when you said we would settle the settlement of the
6 charges at a later date. Well, we're at that later date, and
7 I'm still waiting for settlement of the charges as the fact
8 that I have accepted the instrument for value and returned it
9 for payment, as payment.

10 And outside of that, there appears no contract or
11 franchise agreement or license in evidence compelling
12 performance from me.

13 The U.S. Attorney has withheld and is continuing to
14 withhold material evidence.

15 The U.S. Attorney offers nothing of substance to
16 this Court, and, of course, the plaintiff has not produced any
17 evidence of a legal liability or duty under any of the codes.

18 I have read 1 USC 204 of your church bible, and I
19 have found it to say that the entire code is nothing more than
20 prima facie evidence. The term "prima facie" is legally
21 defined as simply a presumption. Therefore, it appears to me
22 that this Court is practicing something akin to religion,
23 rather than law, where presumption serves as the equivalent
24 for religious faith and unsubstantiated hearsay evidence.

25 This is -- it was done just a minute ago by

1 Ms. Saleem when she tried to put inference upon inference upon
2 inference in order to try and create a fact where there was no
3 fact to begin with. This is -- that is more akin to religion
4 than it is to anything we've ever known in law.

5 I have read -- I'm sorry. You know that you can't
6 establish a religion or force me to participate in your
7 state-sponsored church using a majority vote of electors on a
8 jury. In my mind, this proceeding is an act of witchcraft by
9 a satanic cabal.

10 Has the Lord as great delight in burnt offerings and
11 sacrifices, as in obeying the voice of the Lord? Behold, to
12 obey is better than sacrifice, and to heed than the fat of
13 rams. For rebellion of either the Constitution or the Bible
14 is as the sin of witchcraft, and stubbornness is an iniquity
15 and idolatry. Because you have rejected the word and laws of
16 the sovereign Lord for "We the People" in the Constitution, he
17 has also rejected you from being king, and a sovereign over
18 your government as a private citizen, or a public servant.

19 That's from 1 Samuel 15:22 through 23 of the King
20 James Bible.

21 Through this unlawful proceeding, I find that you
22 are attempting to criminalize alleged nonpayment of tithes to
23 some state-sponsored church.

24 The establishment of religion clause of the First
25 Amendment means at least this: Neither a state nor the

1 Federal Government can set up a church. Neither can pass laws
2 which aid one state-sponsored political religion, aid -- I'm
3 sorry, aid all religions, or prefer one religion over another.
4 Neither can force or influence a person to go to or to remain
5 away from church against his will, or force him to profess a
6 belief or disbelief in any religion.

7 No person can be punished for entertaining or
8 professing religious beliefs or disbeliefs, for church
9 attendance or nonattendance. No tax in any amount, large or
10 small, can be levied to support any religious activity or
11 institutions, whatever they may be called, or whatever form
12 they may adopt to teach or practice religion. Neither a state
13 nor the Federal Government can, openly or secretly,
14 participate in the affairs of any religious organization or
15 groups and vice versa.

16 *THE COURT:* Mr. Weast, let me interrupt you.

17 *THE DEFENDANT:* That's *Everson v. Bd* --

18 *THE COURT:* Mr. Weast? Mr. Weast?

19 *THE DEFENDANT:* I'm sorry. Am I now being
20 interrupted again --

21 *THE COURT:* Yes, you're being interrupted.

22 *THE DEFENDANT:* -- in this allocution?

23 *THE COURT:* You're being interrupted.

24 *THE DEFENDANT:* I'm going to be --

25 *THE COURT:* I'm going to give you another five

1 minutes to make your statement and --

2 *THE DEFENDANT:* I'm still -- my right does not
3 have --

4 *THE COURT:* -- at the end of that time --

5 *THE DEFENDANT:* -- by this state-sponsored church.
6 I mean, I'm already having every other right that I've ever
7 had interrupted here, so I do believe that I have a -- I have
8 a right to this, and that is that you have failed to, like I
9 said, to acknowledge the commercial side of your Executive
10 Branch court.

11 You have failed to admit on a court of record that
12 this court is operating under Article IV of the Constitution,
13 which is the Legislative Branch, which makes this a part of
14 the Executive Branch, not the Judicial Branch, and that you
15 are not a judicial officer, sir.

16 And so, under your oath under 5 -- under 5
17 USC -- I'm sorry, I don't even know what your oath is under,
18 and I don't want to quote your code to you because you know it
19 better than I do.

20 But what I do want to quote is this: Is that I
21 returned your instrument for value as payment -- I'm sorry, I
22 accepted it as value, and have returned it as payment, and
23 this Court refuses to do its duty in discharging or settling
24 this account.

25 *THE COURT:* Okay. Thank you.

1 THE DEFENDANT: And, I'm sorry, I do have one more
2 thing here, sir.

3 I have not violated any of God's laws. I have not
4 caused an injury to another living man. This would be a
5 violation of the Royal law of love your neighbor as yourself,
6 or man's interpretation, do unto others as you would have them
7 do unto you.

8 I have not committed a crime, and there is nothing
9 on which to convict me, thus, the conviction is null and void.
10 And any bonds affiliated or associated with this case, whether
11 they were issued with the citation in the form of a bid bond,
12 or as an appearance bond, or as a performance bond, which have
13 been written as a result of this procedure -- and any other
14 bonds written in any way, shape, or form whatsoever -- I
15 hereby now cancel, terminate, discharge, dismiss, deactivate,
16 eradicate, nullify, quash, rescind, repeal, revoke, abrogate,
17 abolish, and expunge. And I forbid the commercial use of my
18 name and likeness for profit, as all bonds created, whether on
19 the record or not, are void ab initio as only I, a man, can
20 cause.

21 I do not accept any offer to, nor do I consent to,
22 nor will I go to jail, go to prison, pay or discharge any
23 fines, fees, court costs, nor taxes of any kind.

24 I do not accept or consent to have my rights blocked
25 or impeded in any way, shape, or form. I do not accept any

1 offer, nor consent to have my body or possessions seized or
2 confiscated or used by anyone, or their agent, for their own
3 use, or for the benefit of another.

4 I do not accept any offer, nor do I consent to
5 probation, parole, pre- or post-trial release, or any other
6 form of supervision imposed for this matter or in association
7 with this matter, which may be attempted to be linked with or
8 in causation with this matter, or placed twice in jeopardy for
9 the same pretended crime.

10 I, this man, reserve all my natural God-given
11 rights, which are my birth rights, waiving none, ever, as all
12 is conditional by my receipt of your written statement of
13 claims and proof of claim to the contrary under your bond of
14 office and penalties of perjury.

15 My public business here is completed, perfected,
16 discharged, accomplished, dismissed, concluded, terminated,
17 and, as Jesus Christ our Lord and Savior stated: Finished.

18 *THE COURT:* Okay. Thank you.

19 Okay. We can turn off the communication from the
20 conference room to the court.

21 (System muted)

22 *THE COURT:* Ms. Saleem, I frequently do have a
23 concern with the penalties that are imposed in these cases,
24 and I have some concern about the 360 months in this case. I
25 don't think we need to take into account the obstructive

1 conduct of the defendant because that's already been taken
2 into account in the guideline calculations.

3 Let me hear from you on that. You usually have some
4 thoughts that are helpful.

5 MS. SALEEM: Well, Your Honor, starting out with the
6 issue of whether a departure is appropriate, I think the
7 constant argument is that there are crimes, such as the actual
8 molestation of children, that appears to be far worse, that
9 get far less punishment. And I would respond to that by
10 saying, first of all, those cases should have gotten much more
11 severe punishment, rather than minimizing the punishment in
12 this case.

13 But let me also add that when you come to a -- when
14 we're dealing with sexual abuse, and we're dealing with online
15 crimes, there is a finite end to the sexual abuse that occurs.
16 There is no end to the internet crimes that occur. That's why
17 the punishment is so severe in these type of cases. It's
18 because Congress understood that what these victims suffer is
19 a lifetime of abuse because those images are circulated for
20 the rest of those children's lives -- well after they have
21 become adults.

22 But on top of that, Your Honor, you also have other
23 evidence that has not been taken into consideration by the
24 guidelines, and that was, in particular, not only the length
25 of the videos that the defendant possessed, which at least one

1 or some of them are over an hour long; but the number, that
2 was well over 500 images; but also, personal images that the
3 defendant was, himself, taking.

4 The fact that he had focused on the lower torso, the
5 genital region of two 16-year-olds, that we have documented,
6 is just further evidence of the fact that this is a defendant
7 who not only does not deserve a downward variance, but is a
8 very good indicator that he is, in fact, a predator, and has
9 been for a very significant period of time.

10 So, I would submit to you, Your Honor, that this
11 is -- this is a case where the guidelines actually are
12 appropriate for the conduct the defendant has committed, and
13 the Court can take into consideration all of his personal
14 characteristics, and his nature, to conclude that a man who
15 has continuously flaunted this Court's authority is a person
16 who will never follow the rules of this society, and we live
17 by rules.

18 And if we live and die by the rules that we follow
19 in this courtroom, then this defendant should get the maximum
20 sentence that the law provides, which is 360 months and
21 lifetime supervision.

22 *THE COURT:* Okay. Well, I'm inclined to agree that
23 this is not the typical case in the sense that this
24 defendant's conduct indicates that he has absolutely no
25 respect for the rule of law and is likely to engage in

1 inappropriate conduct in the future. I'm not sure that
2 there's any form of punishment that would prevent him from
3 doing that.

4 So, I've concluded that a sentence within the
5 guideline range, that is, 360 months imprisonment, combined
6 with a term of supervised release of -- I'm going to limit
7 that to 5 years.

8 Now, the imprisonment would be 120 months as to
9 Count 1, and 240 months as to Count 2, cumulative to 360
10 months.

11 And the term of -- the term of supervised release
12 would be 5 years as to each count. Of course, they run
13 concurrently.

14 In addition to that, there would be a special
15 assessment of \$200, that is, \$100 per count.

16 So the Court's ordering -- and I'm satisfied that a
17 sentence of the kind I've described is one that will
18 adequately and appropriately address all the factors the Court
19 should consider in sentencing under 18 United States Code
20 Section 3553(a). It's a reasonable sentence, and it's not
21 excessive under the circumstances of this case.

22 So the Court's ordering and adjudging that the
23 defendant be committed to the custody of the Bureau of Prisons
24 to serve a term of imprisonment of 120 months as to Count 1,
25 and a term of imprisonment of 240 months as to Count 2, and

1 those are to run consecutively for a total of 360 months.

2 The Court's further ordering and adjudging that the
3 defendant serve a term of supervised release of 5 years as to
4 each of the counts, 5 years as to Count 1, and 5 years as to
5 Count 2, and those are to run concurrently.

6 And while he's on supervised release, the defendant
7 shall comply with the standard conditions ordered by the
8 Court, and the following additional conditions:

9 He shall not commit another federal, state, or local
10 crime.

11 He shall not possess illegal controlled substances.

12 He shall cooperate in the collection of DNA as
13 directed by the probation officer and as authorized by the
14 Justice for All Act of 2004.

15 He shall refrain from any unlawful use of a
16 controlled substance, and shall submit to one drug test within
17 15 days of release from imprisonment and at least two periodic
18 drug tests thereafter, as directed by the probation officer.

19 He shall participate in sex offender treatment
20 services, as directed by the probation officer, until
21 successfully discharged, and those services may include
22 physio -- psychophysiological testing to monitor his
23 compliance, treatment progress, and risk to the community, and
24 he'll contribute to the cost of those services at the rate of
25 at least \$50 a month.

1 He shall neither possess, nor have under his
2 control, any pornographic matter, or any matter that sexually
3 depicts minors under the age of 18, including but not limited
4 to matter obtained through access to any computer and any
5 matter linked to computer access or use.

6 He shall have no contact with minors under the age
7 of 18, including correspondence, telephone, internet,
8 electronic communication, or -- electronic communication or
9 communication through third parties.

10 He shall not have access to or loiter near school
11 grounds, parks, arcades, playgrounds, amusement parks, or
12 other places where children may frequently congregate, except
13 as may be allowed upon advanced approval by the probation
14 officer.

15 He shall register as a sex offender with state and
16 local law enforcement, as directed by the probation officer,
17 in each jurisdiction where he resides, is employed, or is a
18 student, and shall provide all information required in
19 accordance with state registration guidelines, with initial
20 registration being completed within 3 business days after
21 release from confinement.

22 He shall provide written verification of
23 registration to the probation officer within 3 business days
24 following registration and renew registration as required by
25 the probation officer.

1 He shall no later than 3 business days after each
2 change of name, residence, or employment, or student status,
3 appear in person in at least one jurisdiction and inform that
4 jurisdiction of all changes in the information required by the
5 sex offender registry.

6 I'm also ordering that the defendant pay a special
7 assessment of \$100 as to Count 1, and a special assessment of
8 \$100 as to Count 2, for a total of \$200.

9 I'm also ordering, pursuant to 18 United States Code
10 Section [2253(a) and Rule 32.2(b)(4)(B) that defendant's
11 interest in one HP laptop computer, serial number
12 [CNF82341HX7, and one Western Digital external drive, serial
13 number [WCAV5C309672, be condemned and forfeited to the United
14 States.

15 Mr. Weast, you have the right to appeal from the
16 sentence I've imposed, if you are dissatisfied with it. That
17 appeal would be to the United States Court of Appeals for the
18 Fifth Circuit.

19 You have the right to appeal in forma pauperis, that
20 means without any cost to you, if you qualify for it. You
21 have the right to have the clerk of court file a notice of
22 appeal for you, and the clerk would do that forthwith, if you
23 were to specifically request it.

24 Mr. Curtis, I'm sure you've been given the form that
25 outlines certain rights and obligations with respect to an

1 appeal.

2 Have you attempted to review that with Mr. Weast?

3 MR. CURTIS: I attempted to, Your Honor, and it is
4 not signed and --

5 THE COURT: Okay. That's fine.

6 MR. CURTIS: Your Honor, I think I need to -- could
7 I correct one fact? I gave you some facts, as far as me
8 trying to give the documents and meet with Mr. Weast, and I
9 think I said one thing wrong.

10 THE COURT: Correct it, if you would like.

11 MR. CURTIS: I think it would be better if I did.

12 Your Honor, I said on 9-30 that I thought Mr. Weast
13 had come to the visitation room where I was and said -- and
14 told me I wasn't his lawyer and left. I actually think on
15 9-30, September 30th, when I went to see him, the guard came
16 back out and told me that, that Mr. Weast said he didn't have
17 an attorney.

18 THE COURT: Okay. Well, that's fine.

19 MR. CURTIS: Your Honor, I also object to the
20 sentence as procedurally and substantively unreasonable for
21 the reasons set forth in my objections and argued here today.
22 Thank you.

23 THE COURT: Okay. Is the government moving to
24 dismiss any of the earlier versions of the indictment?

25 MS. SALEEM: Yes, Your Honor. We would so move to

1 dismiss any of the preceding indictments, the first and
2 second.

3 *THE COURT:* I think you had an original indictment,
4 a first superseding indictment, and a second superseding
5 indictment?

6 *MS. SALEEM:* Yes, Your Honor, so all of those.

7 *THE COURT:* Okay. We went to trial on the third
8 superseding indictment?

9 *MS. SALEEM:* Yes, we did proceed on the third
10 superseding.

11 *THE COURT:* Okay. Okay. All of the versions of the
12 indictment, prior to the one we went to trial on, are
13 dismissed on the government's motion.

14 Okay. The attorneys are excused, and the
15 defendant's remanded to custody.

16 *(End of Proceedings)*

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REPORTER'S CERTIFICATE

I, Debra G. Saenz, CSR, RMR, CRR, certify that the foregoing is a true and correct transcript from the record of proceedings in the foregoing entitled matter.

I further certify that the transcript fees format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signed this 20th day of January, 2015.

/s/ Debra G. Saenz

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